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January 08, 2016

**VIA ELECTRONIC FILING**

The Honorable Charles R. Breyer  
United States District Judge  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

Re: In re: Volkswagen "Clean Diesel" Marketing, Sales  
Practices, and Products Liability Litigation  
MDL 3:2672-CRB (JSC)

Your Honor,

As set forth by Pretrial Orders Numbers 1 and 2 (Docket Entries 2 and 336), please allow this letter to serve as my application for a position on Plaintiffs' Steering Committee for the matter referenced above. As set forth below, I think that including an attorney from my area of the U.S. is beneficial to the process.

I am the lead attorney in *Shipley, et al. v. Volkswagen Group of America, Inc.*, No. 4:15-cv-696 (E.D. Ark.), which was filed on September 22, 2015, and transferred to this Court by order of the JPML on December 18, 2015. *Shipley* is the first class action suit regarding Volkswagen's "clean diesel" cars filed in Arkansas. There are more than 2,400 potential claimants in Arkansas; I have asserted claims on their behalf under the Arkansas Deceptive Trade Practices Act, A.C.A. § 4-88-101, *et seq.*, and under several common law theories, including fraud and breach of warranty. Additionally, in pursuit of this action, I appeared at the MDL Panel hearing in New Orleans, Louisiana on December 3, 2015.

I practice primarily in the states of Arkansas and Texas. I am also licensed in courts Colorado and Michigan. I founded Sanford Law Firm, PLLC, in 2001, and I am its managing member. There are fourteen attorneys in my firm. Our most significant case load comes from complex class and collective action lawsuits. I have been lead counsel in no fewer than thirty class and/or collective action lawsuits.

I have pursued claims and prevailed against many large, multi-national companies. For example, I was most recently lead counsel in a collective action case against Walgreen Company for violations of the Fair Labor Standards Act. At its peak this case had 1,750 claimants. This case had a favorable outcome for all of those claimants who pursued their claims through mediation. *Teramura v. Walgreen Co.*, 5:12-cv-5244-JLH (W.D. Ark.).

Other cases in which I have served as lead counsel in multi-state or nationwide claims include: *Lochridge v. Lindsey Management Co.*, 5:12-cv-5047-JLH (W.D. Ark.)(class of 150 opt-in plaintiffs); *Gauthier v. Trican Well Service L.P.*, 6:13-cv-46 (E.D. Tex.); *Mendez v. Xtreme Drilling & Coil Services, Inc.*, No. 5:15-cv-673-DAE (W.D. Tex.); *Anderberg v. Sitewise, Inc.*, No. 1:15-cv-00501 (D. Colo.); *Dustin Moore, et al. v. Performance Pressure Pumping Services, LLC*, 5:15-432-FB (W.D. Tex.) (about 40 opt-in plaintiffs); and *Roche, et al. v. S-3 Pump Service, Inc.*, No. 5:15-cv-268-XR (W.D. Tex.)(137 opt-in plaintiffs).

Furthermore, I am currently serving, or have served, as class counsel in several cases which the presiding Courts granted my clients' motions to proceed as a Rule 23 class: *Bonton v. Centerfold Entertainment Club, Inc.*, No. 6:14-cv-6074-RTD (W.D. Ark.); *Oliva v. C.L.A. Incorporated*, 4:12-cv-243 (E.D. Ark.); *Sherri Dandison, et al. v. Hanks Furniture, Inc.*, No. 4:15-62-DPM (agreed certification); *Hale v. JW Aluminum Co.*, No. 4:14-cv-236-JLH (agreed certification); and *Farris v. BRM Foods, Inc., et al.*, No.4:15-cv-142-JLH (agreed certification). In addition to these cases, I am also serving, or have served, as lead counsel in several statewide collective actions. If Your Honor would like a complete list of these cases, I would be happy to provide such a list.

I am willing and able to work cooperatively with other Plaintiffs' counsel and defense counsel. I have worked with out-of-state co-counsel in several large or complex cases, including *Elissa Shetzer, et al. v. Harte-Hanks Response Management/Austin, Inc.*, No. 5:15-cv-112-RWS (E.D. Tex.) and *Bacon, et al. v. Eaton Aeroquip, LLC*, No. 4:11-cv-14103-GAD-MJH (E.D. Mich.), among about 40 other cases in states across the country.

I believe the experience I have with complex, multi-state or nationwide claims would be of significant benefit to the case at hand. I am able to resolve cases promptly and strategically. I have appeared before the following judges recently, each of whom has knowledge of my expertise:

Hon. P.K. Holmes, III, 30 South 6th Street, Room 317, Fort Smith, AR 72901, (479) 783-1466;

Hon. Susan Webber Wright, 600 West Capitol Avenue, Room A522, Little Rock, AR, 72201, (501) 604-5100;

Hon. J. Leon Holmes, 500 West Capitol Avenue, Room D469, Little Rock, AR, 72201, (501) 604-5380.

Additionally, should Your Honor prefer references from opposing counsel or mediators who have direct knowledge of my ability to settle cases fairly and promptly, I would direct you to the following attorneys and mediators:

Frank Hamlin and Chris Gomlicker, Hamlin Dispute Resolution, 823 West Markham Street, Suite 100, Little Rock, AR, 72201, (501) 850-8888;

S. Brent Wakefield, Barber Law Firm, PLLC, 425 West Capitol Avenue, Suite 3400, Little Rock, Arkansas, 72201, (501) 707-6130.

I am also in a unique position as an attorney practicing primarily in Southern states. Many, if not all, of the well-qualified applicants for lead counsel, co-lead counsel, or Plaintiffs' Steering Committee, are associated with large, coastal firms. As an attorney in a different geographic portion of the country, I bring unique experience, ideas, and methods to this complex litigation. As the suit currently encompasses Plaintiffs from across the country, I believe having geographically diverse members of the Plaintiffs' Steering Committee would be beneficial to the ultimate resolution of this case.

Finally, as the managing partner of a boutique litigation firm, I can contribute to the resources and staff to help support ongoing litigation. For all the reasons listed herein, I believe I am an ideal candidate to serve on Plaintiffs' Steering Committee and to take an active leadership role in this matter to achieve a favorable resolution for all consumers involved.

Yours truly,  
SANFORD LAW FIRM, PLLC

*/s/ Josh Sanford*

Josh Sanford  
Attorney at Law

Enclosures: Josh Sanford CV